

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

COREY LOUIS HINES, )  
 )  
Petitioner, )  
 )  
v. ) No. 4:10-CV-1825-SNLJ  
 )  
LISA J.W. HOLLINGWORTH, )  
 )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner alleges that he has not been appointed counsel or arraigned in a state matter that has never been filed or issued a cause number. He asks this Court to dismiss the state action with prejudice, but at the same time, he claims that the state failed "to commence action [sic] with complaint."

At the outset, the Court notes that petitioner is currently serving a federal sentence for other charges and is imprisoned in USP Marion. District courts have jurisdiction to entertain petitions for habeas relief only from persons who are "*in custody* in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3) (emphasis added). The custody requirement is fulfilled when a petitioner is in custody "under the conviction or sentence under attack at the time his petition is filed." Maleng v. Cook, 490 U.S. 488, 490-91 (1989). Because petitioner

Corey Louis Hines is not presently in custody under a state-court conviction or sentence, or charges filed in state court, the custody requirement is not met. Id. As a result, this Court does not have jurisdiction over the instant petition, and the Court will dismiss it. See Fed. R. Civ. P. 12(h)(3); Rule 4 of the Rules Governing § 2254 Cases.

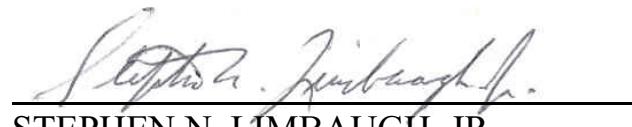
Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion to proceed in forma pauperis is **GRANTED**.

**IT IS FURTHER ORDERED** that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

A separate Order of Dismissal will be filed with this Memorandum and Order.

Dated this 15th day of October, 2010.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE